

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

v.

AT&T SERVICES INC., AT&T MOBILITY
LLC and AT&T CORP.,

Defendants,

ERICSSON INC. and
NOKIA OF AMERICA CORPORATION,

Intervenors.

Case No. 2:23-cv-00202-JRG-RSP

(Lead Case)

JURY TRIAL DEMANDED

JOINT STIPULATION OF DISMISSAL AS TO U.S. PATENT 10,594,376

Plaintiff XR Communications, LLC, dba Vivato Technologies (“Plaintiff”), Defendants AT&T Services, Inc., AT&T Mobility LLC, AT&T Corp. (“AT&T”); and Intervenors Nokia of America Corporation and Ericsson Inc. (“Intervenors”) (collectively, Plaintiffs, AT&T, and Intervenors are “Parties”) jointly request and stipulate to, pursuant to Red. R. Civ. P. 41(a)(1)(ii), dismissal with prejudice of Plaintiff’s claim for infringement of U.S. Patent No. 10,594,376 (“the ’376 Patent”) (*i.e.*, Count III) and dismissal without prejudice of Intervenors’ counterclaims against Plaintiff for Declaratory Judgment of Non-Infringement of the ’376 Patent, *i.e.*, the Third Counterclaim at Dkt. Nos. 57 and 60. For the sake of clarity, this Stipulation of Dismissal is limited to the claims and counterclaims applicable to the ’376 Patent and does not apply to claims, or counterclaims applicable to the other asserted patents. The Parties further stipulate that Plaintiff (on the one hand) and Defendants and Intervenors (collectively on the other hand) shall bear their own costs, expenses, and attorney’s fees with respect to the dismissed claims and counterclaims concerning the ’376 patent.

Dated: February 23, 2024

COUNSEL FOR PLAINTIFF

/s/ Reza Mirzaie

Reza Mirzaie

RUSS AUGUST & KABAT

12424 Wilshire Blvd., 12th Floor

Los Angeles, California 90025

Telephone: 310.826.7474

Facsimile: 310.826.6991

Respectfully submitted,

**COUNSEL FOR AT&T DEFENDANTS
AND INTERVENORS**

/s/ Matthew Yungwirth

Matthew S. Yungwirth

msyungwirth@duanemorris.com

DUANE MORRIS LLP

1075 Peachtree Street NE

Suite 1700

Atlanta, Georgia 30309

Telephone: 404.253.6900

Facsimile: 404.253.6901

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on February 23, 2024, a true and correct copy of the foregoing was filed with the Court's CM/ECF service, which will provide an electronic notification of the service of such pleading to all counsel of record.

/s/ Reza Mirzaie
Reza Mirzaie